

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended) A method of selection of a mixed media communication format at a portable communication device comprising:

determining, by the portable communication device, a preferred format for an incoming call from mixed media communication formats based on location conditions of the portable communication device including a velocity of the portable communication device, the mixed media communication formats including a text format and an audible speech format; and

sending, by the portable communication device, a media format mode signal indicating the preferred format for the incoming call.

2. (canceled) The method of selection of a mixed media communication format according to claim 1, wherein determining determines the preferred format for the incoming call based on location conditions of the portable communication device.

3. (currently amended) The method of selection of a mixed media communication format according to claim 2 1, wherein determining determines the preferred format to be a text format for the incoming call based on the portable communication device being located in an area where text communications are preferred over voice communications.

4. (canceled) The method of selection of a mixed media communication format according to claim 2, wherein the location conditions include a velocity of the portable communication device.

5. (currently amended) The method of selection of a mixed media communication format according to claim [[4]] 1, wherein determining determines the preferred format to be a voice format for the incoming call based on the communication device traveling at a velocity where voice communications are preferred over text communications.

6. (currently amended) The method of selection of a mixed media communication format according to claim 2 1, wherein the location conditions include a plurality of co-located portable communication devices.

7. (original) The method of selection of a mixed media communication format according to claim 6, wherein determining determines the preferred format to be a text format for the incoming call based on the plurality of co-located portable communication devices being above a specified threshold.

8. (currently amended) The method of selection of a mixed media communication format according to claim 2 1, wherein the location conditions include a signal strength.

9. (original) The method of selection of a mixed media communication format according to claim 8, wherein the signal strength is determined by a signal strength indicator, the signal strength indicator including at least one of a received signal strength indicator and a signal-to-noise ratio.

10. (original) The method of selection of a mixed media communication format according to claim 9, wherein determining determines the preferred format to be a text format for the incoming call based on a poor signal strength.

11. (original) The method of selection of a mixed media communication format according to claim 1, further comprising:  
receiving an indication of a high system capacity;

prompting a user of the portable communication device with an option to only receive text format communications based on receiving the indication of a high system capacity; and

receiving a text format selection from the user in response to prompting, wherein determining determines the preferred format to be a text format for the incoming call based on the text format selection.

12. (original) The method of selection of a mixed media communication format according to claim 1, wherein determining determines the format for the incoming call to be a text format based on a silent mode selected by the user of the portable communication device.

13. (original) The method of selection of a mixed media communication format according to claim 1, wherein determining determines the preferred format for the incoming call based on a user input of media format selection data.

14. (original) The method of selection of a mixed media communication format according to claim 1, further comprising displaying a current media format mode on the portable communication device, the current media format mode including at least one of a current media format input mode and a current media format output mode.

15. (currently amended) A method of selection of a mixed media communication format at a portable communication device when receiving a signal of an incoming call, ~~the mixed media communication format including an audio communication format and a text communication format~~, the method comprising:

receiving, by the portable communication device, a signal of an incoming call;  
determining, by the portable communication device, a preferred format of the incoming call ~~based on location conditions of the portable communication device including a plurality of co-located portable communication devices, the mixed media communication format including an audio communication format and a text communication format~~; and  
sending, by the portable communication device, a media format mode signal indicating the preferred format for the incoming call.

16. (original) The method of selection of a mixed media communication format according to claim 15, further comprising storing the preferred format for an incoming call on the portable communication device.

17. (original) The method of selection of a mixed media communication format according to claim 15, further comprising accepting a user input of media format selection data of a preferred communication format and transmitting the media format selection data to a communication system.

18. (original) The method of selection of a mixed media communication format according to claim 15, further comprising displaying a current media format mode on the portable communication device, the current media format mode including at least one of a current media format input mode and a current media format output mode.

19. (currently amended) A system for the selection of a mixed media communication format comprising:

a network; and

a controller coupled to the network, the controller configured to determine the format of a call from a call originator, to determine a selected format of the call for a call recipient based on selection conditions of the call recipient, to convert the format of the call to the selected format when the format of the call from the call originator does not match the selected call format of the call for the call recipient, and to send the call in the selected format to the call recipient, wherein the controller is further configured to determine an indication of a high system capacity, prompt a user of the portable communication device with an option to only receive text format communications based on receiving the determination of a high system capacity, and receive a text format selection from the user in response to the prompt, and wherein the controller is further configured to determine the preferred format to be a text format for the incoming call based on the text format selection.

20. (original) The system for the selection of a mixed media communication format according to claim 19, wherein the controller converts the format of the call by sending a media format negotiation signal to the call originator to prompt the call originator to change the format of the call based on the selected format.

21. (original) The system for selection of a mixed media communication format according to claim 19, wherein the controller is further configured to determine the format of the call based on a call recipient communication device capability of supporting specific types of media.

22. (original) The system for selection of a mixed media communication format according to claim 19, wherein the controller is further configured to determine the format for the incoming call based on a current system capacity.

23. (original) The system for the selection of a mixed media communication format according to claim 19, wherein the controller converts the format of the call by performing text-

to-speech conversion on the call when the controller determines the format of the call is a text format and the selected format of the call is an audible format.

24. (original) The system for the selection of a mixed media communication format according to claim 23, wherein the controller is further configured to send a background signal to the recipient of the call while awaiting communications from the call originator.

25. (original) The system for the selection of a mixed media communication format according to claim 19, wherein the controller converts the format of the call by performing speech-to-text conversion on the call when the controller determines the format of the call is an audible format and the selected format of the call is a text format.

26. (original) The system for the selection of a mixed media communication format according to claim 19, wherein the controller determines a selected format of the call for a call recipient based on selection conditions of the call recipient by requesting the recipient to accept the call format of the call originator.

27. (original) The system for the selection of a mixed media communication format according to claim 19, wherein the controller determines a selected format of the call for a call recipient based on selection conditions of the call recipient by requesting the originator to accept a mixed-media call format.

28. (original) The system for the selection of a mixed media communication format according to claim 19, wherein the controller is further configured to prompt one of the call originator and the call recipient to end the call if the format of the call from the call originator does not match the selected call format of the call for the call recipient.

29. (currently amended) A portable communication device for providing selection of a mixed media communication format comprising:

a transceiver;

a processor coupled to the transceiver, the processor configured to determine a preferred format for an incoming call from mixed media communication formats based on location conditions of the portable communication device including a signal strength, the mixed media communication formats including a text format and an audible speech format, and configured to send a media format mode signal indicating a preferred format for the incoming call.

30. (canceled) The portable communication device according to claim 29, wherein the processor is further configured to determine the preferred format for the incoming call based on location conditions of the portable communication device.

31. (currently amended) The portable communication device according to claim 30 29, wherein the processor is further configured to determine the preferred format to be a text format for the incoming call based on the communication device being located in an area where text communications are preferred over voice communications.

32. (currently amended) The portable communication device according to claim 30 29, wherein the location conditions include a velocity of the portable communication device.

33. (original) The portable communication device according to claim 32, wherein the processor is further configured to determine the preferred format to be a voice format for the incoming call based on the communication device traveling at a velocity where voice communications are preferred over text communications.

34. (currently amended) The portable communication device according to claim 30 29, wherein the location conditions include a plurality of co-located portable communication devices.

35. (original) The portable communication device according to claim 34, wherein the processor is further configured to determine the preferred format to be a text format for the incoming call based on the plurality of co-located portable communication devices being above a specified threshold.

36. (cancel) The portable communication device according to claim 30, wherein the location conditions include a signal strength.

37. (original) The portable communication device according to claim 36, further comprising a signal strength indicator coupled to the processor,

wherein the processor is further configured to determine the signal strength based on the signal strength indicator the signal strength indicator including at least one of a received signal strength indicator and a signal-to-noise ratio.

38. (original) The portable communication device according to claim 37, wherein the processor is further configured to determine the preferred format to be a text format for the incoming call based on a poor signal strength.

39. (original) The portable communication device according to claim 29,

wherein the processor is further configured to receive an indication of a high system capacity, prompt a user of the portable communication device with an option to only receive text format communications based on receiving the indication of a high system capacity, and receive a text format selection from the user in response to the prompt,

wherein the processor is further configured to determine the preferred format to be a text format for the incoming call based on the text format selection.

40. (original) The portable communication device according to claim 29, wherein the processor is further configured to determine the format for the incoming call to be a text format based on a silent mode selected by the user of the portable communication device.